

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

John Byrd,

Plaintiff,

vs.

John Ozmint, Director SC Dept. of  
Corrections,

Defendants.

Civil Action No. 8:05-cv-2069-HMH-BHH

**REPORT OF MAGISTRATE JUDGE**

The plaintiff is proceeding in this action *pro se*. He is seeking relief pursuant to Title 42, United States Code, Section 1983. The plaintiff filed a motion for summary judgment on September 15, 2005. Upon review of that motion, the Court finds that the plaintiff has not met his burden under Fed. R. Civ. P. 56 to produce admissible evidence demonstrating that no genuine issues of fact remain.

It is, therefore, recommended that the plaintiff's motion for summary judgment be DENIED.

s/Bruce H. Hendricks  
United States Magistrate Judge

June 16, 2006  
Greenville, South Carolina